

DEC 16 1999

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Xu *et al.*

Application No.: 09/026,459

Group Art Unit: 1632

Filed: February 19, 1998

Examiner: Shukla, R.

For: MODIFIED RETINOBLASTOMA Attorney Docket No.: 8660-0025-999
TUMOR SUPPRESSOR PROTEINS

ELECTION UNDER 37 C.F.R. § 1.143

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated November 16, 1999, please consider the following election and remarks.

Election:

Applicants received a Communication from the Examiner dated November 16, 1999 which contained a requirement for restriction in connection with the application captioned above.

More specifically, the Examiner has required a restriction under 35 U.S.C. § 121 of one of the following inventions:

- | | |
|-----------|---|
| Group I | Claims 1-34, and 36-37 drawn to nucleic acids and host cells expressing them, classified in class 536, subclass 23.5; |
| Group II | Claim 35, drawn to a protein, classified in class 530, subclass 350; |
| Group III | Claims 38, 40 and 41-43, drawn to a method of protein therapy, classified in class 514, subclass 2; and |
| Group IV | Claims 39-40, drawn to a method of gene therapy, classified in class 514, subclass 44. |

Applicants hereby elect to prosecute the invention of Group I. Claims 1-34, and 36-37 drawn to nucleic acids and host cells expressing them.

Applicants reserve their rights to file divisional applications for the non-elected claims, as well as any other matter disclosed in the present application which is not encompassed by the elected claims.

Conclusion:

Applicants respectfully request that the above-made election and remarks be made of record in the file history of the instant application.

Respectfully submitted,

Date: December 16, 1999

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